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ENVIRONMENTAL MANAGEMENT PROGRAM

AREAWIDE ENVIRONMENTAL MANAGEMENT: SIX DECADES OF REGIONAL APPROACHES IN THE BAY AREA

INTRODUCTION

Nearly two decades ago Mel Scott described the San Francisco Bay Area as a metropolis with a little-understood sense of its own history. Scholars had produced many volumes on the historical development of the region's cities and counties, but Scott's book* was the first definitive account of the Bay Area as a regional community.

This paper updates and summarizes a small part of that history—the development of regional approaches to Bay Area problems. It is a background document prepared for the Environmental Management Task Force's Plan Implementation Committee, which is supervising the preparation of the governmental and financial recommendations to be included in the Bay Area's environmental management plan.

The paper is a historical account, and describes the changing nature of approaches to regional problems. The approaches have been of three kinds: service delivery on an areawide basis, regulation on a regional basis, and planning on a regional basis. The period from 1910 to 1977 was characterized almost exclusively by the creation of special-purpose agencies and by the failure to bring these agencies together in a coordinated way. Thus the Bay Area has a highly complex system of decision-making-more complex perhaps than any other metropolitan region in the country.

Environmental management is the responsibility of every level of government--Federal, State, regional and local. In the San Francisco Bay Area, nine counties and their 93 cities each have responsibilities that affect the quality of the air and water, and the methods for handling solid waste. The activities of these jurididictions, however, are shared with Federal and State agencies, regional regulatory and planning agencies, and a large number of districts. Of the Bay Area's 825 special districts, 212 have environmental management responsibilities. These include:

- Drainage and drainage maintenance
- Electric utility
- Flood control and water conservation
- Harbor and port facilities
- Land reclamation and levee maintenance
- Recreation and parks
- Soil conservation
- Streets and roads
- Waste disposal
- Water utility

^{*}The San Francisco Bay Area - A Metropolis in Perspective. University of California Press, 1959.

In addition, local governments, including special districts, may join with others under the State's joint exercise of powers law for environmental management purposes. Most of the large sewage treatment projects under Section 201 of the Federal Water Pollution Control Act, for example, are being constructed or operated by joint powers agencies. There are also contractual arrangements to do this.

This paper concentrates on the creation of regional agencies—covering more than one county, although it does not describe the formation of joint powers agencies used to plan, build and operate 201 projects. The paper also analyzes the key issues involved in unsuccessful and successful regional agency legislation. For the purposes of this paper, service-delivery agencies are those that directly provide such things as water, sewage treatment or parks. Regulatory agencies have permit-issuing authority, while planning agencies are those where planning is the most important activity. Some agencies have mandated planning and regulatory functions—the San Francisco Bay Regional Water Quality Control Board, the San Francisco Bay Conservation and Development Commission, and the coastal commissions are the most important examples.

THE EARLY BEGINNINGS OF "REGIONALISM"

"Regionalism" is a phrase that describes a willingness to depend on areawide solutions—and agencies if necessary—to solve problems that local governments acting alone cannot solve. Regionalism in the Bay Area got its start shortly after the turn of the century, with the San Francisco press predicting the formation of a Greater San Francisco Within a few years. After the San Francisco earthquake and fire of 1906, the California Promotion Committee and later the San Francisco Chamber of Commerce formed a Greater San Francisco Association. For years afterwards, the impetus for regional planning occurred within the business and civic communities of San Francisco. It was not until 1923, however, that real steps were taken to knit the Bay Area together in a regional community—not called Greater San Francisco but probably linked forever to San Francisco Bay.

A MODEST START ON MULTI-COUNTY SERVICES

Urbanization of the East Bay--primarily around Berkeley and Oakland--near the turn of the century marked the first widespread public recognition that cities and counties might not be able to assume services that private industry could no longer provide. At that time, the East Bay's only source of water was the local watershed. This supply fluctuated annually, and was clearly inadequate to meet existing and anticipated needs. The area was then served by the privately owned East Bay Water Company. The years 1917 to 1918 brought low rainfall and a water crisis. Adding to the problem, World War I increased industry needs for water, and more people were attracted to the Bay Area. Partial water rationing was enforced, and talk of public water ownership spread. The water problem had become too large for a private corporation. State action became necessary.

The Municipal Utility District Act was passed by the State legislature in 1921. Because the legislature authorized water service (as well as electricty, transportation, communication, waste disposal and recreation) across county lines, this law was the first state recognition that regional approaches were needed.

East Bay Municipal Utility District (EBMUD)

EBMUD, the oldest multi-county special-purpose district in the Bay Area, was organized by voter referendum in May 1923. The referendum passed in Oakland, Berkeley, Alameda, San Leandro, Emeryville and El Cerrito. Although Piedmont and Richmond voters did not pass the referendum, the two cities soon joined the district. The district's governing body is a five-member board of directors, elected from wards.

A 1924 district bond election provided \$39 million for the construction of Lancha Plana Dam on the Mokelumne River. The bonds were to be paid from taxes and water revenues. The dam, later renamed Pardee (after an EBMUD Director) would provide 200 million gallons of water a day--then the anticipated demand in 1977. The dam was completed, five years later, in 1929. In contrast, San Francisco's Hetch Hetchy project, which began in 1914, did not bring water to the city until 1934.

East Bay cities also turned to EBMUD for other services. By 1940, sewage and industrial wastes being dumped in the Bay had become a large and smelly problem appropriately nicknamed the "Big Stench." Polllution was killing off the natural wildlife in the bay: oyster beds and bay shrimp. Again a situation occurred that no city could solve alone. EBMUD's familiarity with the topography, streets and pipelines of the East Bay, as well as its engineering know-how, put the district in a good position to tackle the problem. In 1944, with the war's end imminent, EBMUD Directors submitted a proposal to northern Alameda County voters to form a sewage district within the district. The proposal passed. Construction costs of the sewage system were met by a \$23.5 million bond issue passed in 1946. In 1951, the sewage treatment system, built on the Oakland bay shore, began operation. In 1966, EBMUD added another function, with the opening of Lafayette Reservoir for public recreation use.

East Bay Regional Park District (EBRPD)

While the East Bay Municipal Utility District directors later broadened district activities to include sewage treatment and recreation, the district's first opportunity to provide something other than water led instead to the formation of another special purpose agency—the East Bay Regional Park District.

In the late 1920s, a group of citizens formed the East Bay Regional Park Association. The association's goal was the development of regional parks in surplus watershed lands owned by EBMUD. It was hoped that the legislature would broaden the functions of the district to include parks. However, the chairman of EBMUD opposed expanding the scope of the district, thus forcing the association to find another way of establishing the muchdesired parks.

In 1933 the legislature enacted the Regional Park District Act. The act authorized two or more cities with contiguous territory, whether in one or more counties, to form a park district within the boundaries of the

already existing utility district. In 1934, Alameda, Albany, Berkeley, Piedmont, Emeryville, Oakland, and San Leandro voters approved formation of the district—known as the East Bay Regional Park District. In 1956 Eden Township was annexed to the district and in 1958, the Washington Township joined the district. Contra Costa County, except for the Liberty Union High School District, annexed in 1964. The regional park district made its first purchases in 1936, acquiring more than 2,200 acres in the Berkeley Hills. In the late 1930s, the district expanded to include 4,250 acres. The district is governed by a seven-member board of directors elected from the wards. All operations and acquisitions have been financed from park revenues and a property tax.

The Valley Community Services District (VCSD)

This district was formed in 1953 as the Parks Community Services District, but remained relatively inactive until 1960, when a private company began developing San Ramon Village. Since no municipal-type services were then available in the area, the developer requested annexation to the district, and suggested that the district begin to provide such services. The name was changed to the Valley Community Services District; it is the only community services district in the Bay Area to cross county boundaries. The district provides fire protection, water, sewage treatment, recreation and parks. The district has property taxing and bonding powers. It is governed by a five-member board of directors elected at large within the district, which covers about 7,200 acres within Alameda and Contra Costa Counties.

The North Marin County Water District (NMCWD)

This district was formed in 1948 to alleviate the problem of insufficient ground water in northern Marin County. A local reservoir was built at Stafford Lake. By 1961, the lake was inadequate to meet the water agency aqueduct system, which also serves seven other districts. Two portions of Sonoma County—a 324—acre parcel in 1961 and a 48—acre parcel in 1967—were annexed to the district, making it the third Bay Area multi-county water district.

In 1973 district voters approved a bond issue expanding the water agency aqueduct system, obtaining water from the Russian River. Seventy-five percent of the district's water supply is from the river, with the remainder coming from Stafford Lake. The district covers 110 square miles, but also provides water service to 37 dairies outside its boundaries in Marin and Sonoma Counties. The district also provides sewage services to several Marin coastal communities. The district has a five-member governing board elected at large.

LARGE-SCALE REGIONAL APPROACHES: BAY AREA TRANSPORTATION DISTRICTS

The modest approach in multi-jurisdictional service delivery begun in the East Bay in the 1920s was also used in public transportation with the formation of the Alameda-Contra Costa Transit District. Elsewhere in the Bay Area, however, regional public transportation on a larger scale was set in motion—in the Golden Gate Bridge District in the 1920s and the San Francisco Bay Area Rapid Transit District in the 1950s.

The Golden Gate Bridge, Highway and Transportation District (GGBHTD)

The need for a bridge spanning the Golden Gate strait was clear by the early 1920s. Steam ferry boats running from San Francisco to the northern counties were expensive, and inadequate to meet growing pedestrian and automobile traffic. At a public meeting in Santa Rosa in January 1923, legislation was proposed to make possible the building of the Golden Gate Bridge. By May of the same year, the legislature passed the Bridge and Highway District Act, specifically to build the Golden Gate Bridge.

The Golden Gate Bridge and Highway District was created by the Boards of Supervisors of the City and County of San Francisco, and of the counties of Marin, Sonoma, Napa, Mendocino, and Del Norte.

However, opponents of the bridge brought court actions against the ordinances creating the district. In late 1928, after favorable court decisions, the district was incorporated. Bridge directors were then appointed by supervisors of the participating counties.

In 1930, district voters approved a \$35 million bond issue to construct the Golden Gate Bridge. Construction began in 1933, and was completed in 1937.

In 1969, directors authorized the name change to Golden Gate Bridge, Highway and Transportation District, which became effective with State legislation that enabled the district to engage in all forms of mass transit. District revenues come almost exclusively from bridge tolls and farebox revenues.

Alameda-Contra Costa Transit District (AC Transit)

From about 1963 to the middle 1950s, Alameda and Contra Costa Counties were primarily served by private transportation companies. By 1950, however, the East Bay had only one transit company—the Key System (named after the key-shaped transit lines that had provided train—ferry service to San Francisco until interurban trains were routed across the Bay Bridge in 1939).

Problems of increasing automobile congestion and the difficulty of operating at a profit preceded a 76-day transit strike in 1953. At the time, the idea of a public transportation system was suggested as the only possible solution.

In 1955 the legislature enacted legislation permitting the creation of a public agency to operate transit services. The following year, voters in Alameda and Contra Costa Counties established the Alameda-Contra Costa Transit District.

The district is governed by a seven-member Board of Directors elected by ward. A \$16.5 million bond issue was approved by the district's voters in 1959. The bond issue provided funds to buy out the predecessor company, Key System Transit Lines, and to get the district on a pay-as-you-go basis. The district has property tax-levying power in addition to its farebox revenues and State and Federal subsidies.

San Francisco Bay Area Rapid Transit District (BART)

As far back as 1946, informal gatherings of business and civic leaders were discussing ways to ease traffic congestion on the Bay bridges and highways. These concerns were also recognized in the State legislature, which created the 26-member San Francisco Bay Area Rapid Transit Commission in 1951, with representatives from the nine counties of the bay. The commission was to study the Bay Area's long-term transportation needs in the context of environmental problems, and recommend a solution. The commission's final report, in 1957, advised that any transportation plan must be coordinated with the area's total plan for future development. Because no development plan existed, the commission prepared one. This plan did much to coordinate planning in the Bay Area, and its basic ingredients were embodied a decade later in ABAG's regional plan.

The commission recommended formation of a five-county rapid transit district. The same year, the legislature formed the San Francisco Bay Area Rapid Transit District for the counties of Alameda, Contra Costa, Marin and San Mateo, and the city and county of San Francisco. Engineering plans for the rapid transit system were developed from 1957 through 1962. A final plan was submitted to the supervisors of the five district counties in 1961. San Mateo supervisors withdrew from the district, citing the expense of the proposed system, and the adequacy of their system of the time. Marin also withdrew from the district, in 1962, because its tax base could not adequately absorb its share of the projected costs and because of a controversy over the feasibility of carrying trains across the Golden Gate Bridge.

In the 1962 elections, the rapid transit plan passed, with 61.2% of the vote. The plan required 50% voter approval. Voters also approved a \$792 million bond issue to finance the transit system. Additional cost of the transbay tube, estimated at \$133 million, was to come from bonds issued by the California Toll Bridge Authority and secured by future Bay Area Bridge revenues.

Construction of BART began in 1964, and in 1972 BART began service in the East and West Bay. The transbay tube was opened in 1974. BART was orginally governed by a 12-member board of directors, appointed by the supervisors and mayors' conferences in the member counties. In 1974, however, the State legislature established a nine-member board of directors--elected from voting districts.

SECOND-GENERATION REGIONAL APPROACHES: TWO REGULATORY AGENCIES

A modification of the first approach to regional problems occurred in the late 1940s. The modification was part of a Statewide regulatory approach to water pollution, and was used similarly a few years later to control air pollution.

The Regional Water Quality Control Boards

Water pollution and degradation of water in California accompanied rapid population growth and industrial development in the State during and immediately after World War II. By 1947 the water quality problem had become so acute that the State Assembly named a fact-finding committee to determine the extent of water pollution and develop solutions. In 1949, based on the committee's report, the legislature passed the Dickey Water Pollution Control Act. All waters within the State were placed under the protection of the act, with nine regional water quality control boards and a State Water Quality Control Board. These agencies were the premier water pollution control agencies in the State from 1949 to 1967. In 1967 the legislature rewrote water quality laws, preserving the nine regional boards but reconstituting two Statewide agencies into a single State Water Resources Control Board. The Porter-Cologne Water Quality Control Act of 1969 spelled out the powers of the State and regional boards.

The San Francisco Bay Area is covered by four regional boards. Most of the nine counties—the territory draining into San Francisco Bay—falls within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board. The northern portion of Sonoma County is included within the North Coast Region, and the southern portion of Santa Clara County is within the Central Coast Region. The northeastern portion of Napa and Solano Counties, and the far eastern portions of Alameda and Contra Costa Counties, are included in the Central Valley Region.

Each regional board has nine members, appointed by the governor. The boards are authorized to develop regional water quality (or basin) plans perform regulatory functions through municipal and industrial discharges. They are funded by the State legislature through the State's general fund. The San Francisco regional board has 44 employees and a 1976-77 budget of \$1.2 million.

Bay Area Air Pollution Control District

In 1947 the California legislature permitted the formation of county air pollution control districts. Santa Clara County first recognized the potential for a Bay Area air pollution problem, and created a county district in 1948.

A short time later, other groups and counties in the Bay Area became increasingly concerned with the regionwide air pollution problem. Extensive investigation by an Assembly joint subcommittee concluded that a regional strategy should be developed because of the peculiar geography of the

Bay Area, and proposed the creation of a single air pollution control district within the nine counties. In 1955, the legislature created the Bay Area Air Pollution Control District—the first regional agency dealing with air pollution to be formed in the nation.

Six of the nine counties elected to join the new district. The legislature in 1970 required Napa, Solano and Sonoma Counties to join the district (although each of the three boards of supervisors was permitted to determine the exact boundaries of the air district in each county).

The jurisdiction of the BAAPCD, like that of other air pollution control districts, is limited to regulating stationary sources of air pollution, primarily industry emissions. The district has adopted and enforces a number of regulations governing existing and proposed stationary sources. The district has no regulatory power over automobile emissions, although its staff may cite drivers of cars with visible emissions. The district's 1976-77 budget is \$6.1 million, and it has 213 employees. Sixty percent of the district's revenues come from county property taxes. The tax rate for the district cannot exceed \$.02 for each \$100 assessed valuation, the limit set by the State legislature.

The district originally had two directors from each county, but in 1976 the legislature provided for a 18-member appointed board, but apportioned on a population basis, giving more representation to the more populous southern counties.

THIRD-GENERATION APPROACHES: THE REGIONAL PLANNING AGENCIES

The early approaches to regional decision-making-either for service delivery or for environmental regulation-could not adequately address certain problems Bay Area local governments faced by the late 1950s. Among these were transportation, metropolitan water supply and sewage disposal, solid waste disposal, and air and water pollution. In 1959, Governor Edmund G. Brown Sr. appointed the Commission on Metropolitan Area Problems to study and make recommendations on critical issues facing all urban areas of the State. The same year, a bill was introduced in the legislature to establish a Golden Gate Authority to operate all bay bridges and the principal ports and airports of the region. (The authority was not created but a study commission led to a similar recommendation in 1961).

These events at the State level seemed to prompt some local government officials into acting. The staff of the League of California Cities and the University of California's Bureau of Public Administration, together with some mayors and city managers in the area, began informal considerations of what might be done by city governments themselves to find solutions to their common environmental, social and economic problems. It was believed that if local government did not tackle these problems, soon the people of the area would ultimately turn to the State for relief, possibly to the disadvantage of local government. After a few informal meetings of this group it became clear that the issue should be brought to the attention of all city governments in each of the nine Bay Area counties. Berkeley Mayor Claude B. Hutchison was requested to call an areawide meeting of representatives of all cities in the area.

The Creation of the Association of Bay Area Governments

One hundred and twenty delegates from 56 cities came to the meeting called by Mayor Hutchison. This conference accepted the general concept of a metropolitan council and requested the appointment of a committee consisting of the mayors of the principal city in each of the nine counties of the area to propose the composition, method of organization and bylaws for the formation of a Bay Area Metropolitan Council.

In the meantime supervisors of the nine counties, hearing of the cities' actions, decided to form a similar committee themselves to become involved with the same problems and perhaps make a comparable approach to their solution.

The mayors' committee proposed that the two committees be merged into one. This was done, but the group soon was faced with another problem--a name for the organization. The city committee had been using the term "Bay Area Metropolitan Council" yet the supervisors' committee didn't like the term, for it had too much of an urban or city connotation. Mayor Hutchison once recalled the final choice this way:

"Finally one morning while shaving—a time of day which I have found in a fairly long life to be conducive to creative thinking—the name, Association of Bay Area Governments, came to mind. At the next meeting of the committees I proposed this name which proved to be acceptable to both committees."

On May 5, 1960, 135 delegates representing nine counties and 52 cities met to consider the work of the supervisors' and mayors' committee that had drawn up bylaws for the proposed Association of Bay Area Governments (ABAG). The delegates overwhelmingly approved the bylaws and recommended that each board of supervisors and city council in the Bay Area authorize execution of an agreement under the Joint Exercise of Powers Act of 1921. At present, seven of the nine counties and 87 of the 93 cities are ABAG members. On July 1, 1977, Solano County will become the eighth ABAG member county.

ABAG was certified by the U.S. Department of Housing and Urban Development as the areawide review agency pursuant to Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. That certification of June 1967 was later revised following issuance of Circular A-95 of the Federal Office of Management and Budget in July 1969. Under that circular, ABAG was designated as the Bay Area's clearinghouse for Federal grant applications. In 1975, the association was designated as the areawide waste treatment planning agency under Section 208 of the Federal Water Pollution Control Act Amendments of 1972, and in 1977 ABAG was designated as the air quality maintenance planning agency under the Federal Clean Air Act of 1970. The agency has a 1976-77 budget of \$5.9 million, with nearly \$2 million going to its member governments. Local funds account for approximately 11 percent of the budget. ABAG has 100 employees.

San Francisco Bay Conservation and Development Commission

Environmental columnist Harold Gilliam, in his book San Francisco Bay, was among the first to warn against what has always been a dangerous man-caused threat to the bay, indiscriminate filling for urban uses. The Bay, Gilliam wrote in 1957, "should be jealously husbanded." Four years later, the filling of the bay was still unrestrained. Public outcry against fill reached its peak between 1962 (when the Save San Francisco Bay Association was formed) and 1965, when the California legislature established the San Francisco Bay Conservation and Development Commission (BCDC) to regulate through permit authority bay filling until 1969.

The commission was also asked to recommend "the appropriate agency" to maintain and carry out a comprehensive and enforceable plan--to be developed by the new agency--for the bay and its shoreline. BCDC's plan recommended a multi-functional agency be established to carry out the policies contained in it, or, if such an agency was not created, the plan recommended a permanent commission be established to protect the bay from excessive fill and provide public access for recreational purposes.

The legislature in 1969 made BCDC permanent, with 9 of the 27 commissioners appointed by the counties and 4 appointed by ABAG. The others are appointees of the governor, legislative leadership and State and Federal agencies whose decisions affect development. In 1974, BCDC was authorized (with the State Department of Fish and Game) to prepare another plan--for the Suisun Marsh-and has become the planning and regulatory agency for the bay segment of the California coastline. Regulatory powers are exercised by issuing permits for activities within BCDC's geographical jurisdiction. BCDC is financed primarily from the State general fund, with 22 employees and a 1976-77 budget of \$510,000.

Metropolitan Transportation Commission and Its Predecessors

Following another unsuccessful attempt in 1961 to create a Golden Gate Transportation Commission, a large group of business, governmental and

civic leaders promoted the development of a comprehensive regional transportation planning program. Such an approach was also made necessary by the 1962 amendments to the Federal Highway Act. These amendments specified that such planning was a condition for Federal aid to highways. To meet these requirements, the Bay Area Transportation Study Committee (with 41 members, 19 of whom represented cities and counties and ABAG) was created by the legislature in 1963.

In its report to the legislature, the committee recommended the creation of a multi-function regional planning and implementing agency, and, in the event such a regional agency was not established, the committee recommended the creation of a special-purpose agency. The multipurpose agency was not created, and a bill to create a transportation agency failed in 1969 (when the committee dissolved). In 1970, however, the legislature created the Metropolitan Transportation Commission (MTC). The commission was given responsibility for transportation planning and authority to allocate Federal and State transportation funds. State highway projects, unless there is an "overriding State interest," must be in conformance with the MTC plan.

MTC is the Federally recognized metropolitan planning organization under the Urban Mass Transportation Act of 1964, administered by the U.S. Department of Transportation. The DOT regulations, as well as the A-95 Circular, require that MTC and ABAG have a memorandum of agreement for coordinating transportation planning with comprehensive planning for the Bay Area. Since 1972, MTC and ABAG (along with the California Department of Transportation) have jointly prepared an overall work program (OWP) for the Bay Area. An OWP is required by Federal funding agencies.

The commission has 16 appointed voting members. It is financed from Federal and State planning funds and 3 percent of each county's sales tax funds for administration of the State Transportation Development Act. The MTC act also requires the merger of the commission into a regional comprehensive planning agency when such an agency is created. The agency has a 1976-77 budget of \$4.5 million and 103 employees.

Bay Area Sewage Services Agency (BASSA)

The State legislature created the Bay Area Sewage Services Agency in 1971. BASSA began operations in 1972 with authority to prepare a regional wastewater facilities management plan, and with authority to implement the plan by constructing and operating plants if local governments failed to do so. BASSA was financed by the nine Bay Area counties, with each county's share of revenues not to exceed one-half cent per \$100 of assessed valuation. Several counties in turn received from sewage dischargers contributions to pay the BASSA apportionment.

BASSA was allowed in the original law to make its apportionments for the entire region, although its planning authority was limited to the area draining into San Francisco Bay (as defined in Section 13200 of the Water Code) and the remainder of Contra Costa County. In 1975, the BASSA law was amended to restrict BASSA's revenue raising ability in Napa, Solano and Sonoma Counties. Only the portions of the three counties lying within the water basin could be covered by the agency's apportionments.

BASSA's 21-member board was composed of local elected officials, appointed by county supervisors from a list prepared by city mayors and presidents of special districts involved in water quality control.

The State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board several times attempted through agreements and policy advice to ensure that BASSA's work would not duplicate their own. However, BASSA's regional plan, adopted in December 1975, was virtually identical to a basin plan adopted several months earlier by the regional board. This was one factor in a legislative effort to merge BASSA with ABAG in 1976. As noted later, BASSA was abolished by the 1976 legislature.

The Coastal Zone Conservation Commissions

In 1972 the voters of California--using the model of BCDC--established the California Coastal Zone Conservation Commission and six regional comissions to plan and regulate development along the coastline in the Bay Area. San Mateo County was included within the jurisdiction of the Central Coastal Commission. San Francisco, Marin and Sonoma Counties were included in the area of the North Central Coastal Commission. Following preparation of the coastal plan, the State legislature made the commission permanent, and permitted the continuation of the regional commissions to oversee the development of coastal zone management programs by local governments. Once these local plans are certified, or by January 1, 1981, the regional commissions will cease.

Development permits issued by the commissions are required by the law until after the local coastal programs are approved by the regional commission and certified by the State commission. At that time, most coastal development controls will be delegated to local governments, and only certain categories of development decisions can be appealed to the State commission.

CHANGES IN NINE-COUNTY REGIONAL APPROACHES

Although many nine-county regional approaches were taken during the 1970s, some steps--primarily in human services planning--led to planning for regions smaller than nine-counties. In 1971, the California Council on Criminal Justice (CCCJ) recognized six "regions" within the Bay Area: Alameda County, Contra Costa County, City and County of San Francisco, Santa Clara County, San Mateo County and the counties of Marin, Napa, Solano and Sonoma.

Affecting CCCJ's decision were the 1970 amendments to the Safe Streets Act. These required states to assure that major cities and counties receive planning funds "to develop comprehensive plans and coordinate functions at the local level." There had also been some efforts in the Bay Area, although not as intense as in Southern California, to get CCCJ approval of county autonomy. ABAG's Criminal Justice Planning Program, organized in 1969 to act as the regional criminal justice planning agency with the approval of CCCJ, had its planning funds reduced. A few years later, ABAG's involvement in criminal justice planning was, for all practical purposes, ended.

In the health field, the 1969 legislature established a nine-county council for planning and review functions relating to delivery of health care. But national legislation in 1974 provided for the designation of health services areas, with health systems agencies created in each one. The Bay Area was divided into four service areas. Napa, Sonoma and Solano Counties are included in one region. Marin, San Francisco and San Mateo Counties are another region, and Alameda and Contra Costa Counties form a third. Santa Clara County is one health services area.

UNSUCCESSFUL ATTEMPTS FOR A MULTIFUNCTION AGENCY

Each environmental problem in the Bay Area tended to be well defined. A single problem could be dealt with by a special purpose agency. The result over the years was a proliferation of special-purpose agencies. Their continued existence as separate agencies is a result of an unwillingness of the legislature to create a multifunction regional agency that can handle existing, widely recognized regional problems, and that could tackle new environmental, social or economic problems as they arise.

Because the Bay Area has more single-function agencies at the regional level than any area in California (and probably the nation), an important question for many has not been whether to use regional approaches, but how to simplify them.

ABAG has a long-standing policy in favor of a statutory comprehensive regional planning agency. The formal statement of that position is a 1971 resolution of its General Assembly, which noted earlier ABAG positions (in 1966 and 1969) in favor of a multifunction agency.

Like the legislation creating the Metropolitan Transportation Commission, the statutes creating the Bay Area Sewage Services Agency were amended in 1972 (one year after the agency was formed) with a similar provision that BASSA would be consolidated into a comprehensive agency. BCDC's plan also sought the establishment of "limited regional government" that could assume BCDC's then-temporary powers in protecting the bay and its shoreline.

Early Attempts for Comprehensive Regional Planning

Assemblyman William Bagley authored a bill in April 1969 that would have given the Bay Area a Timited function but statutory regional planning agency. The bill was modeled after a report by ABAG's Goals and Organization Committee. ABAG' General Assembly endorsed the bill in June 1969. The new agency would have assumed the powers of BCDC and the Bay Area Transportation Study Commission (BATSC) for one year, and provided that if new legislation making the Bay Area Home Rule Agency permanent failed to pass, the powers of BCDC and BATSC would be assumed by ABAG.

Another bill introduced in 1969 was AB 711, which embodied the recommendations of the legislature's Bay Area Regional Organization (BARO) Committee. The bill provided that a comprehensive planning agency would assume the functions of BCDC, BATSC and the Bay-Delta water quality control program then conducted by the State Water Resources Control Board. The bill never received a hearing.

Assemblyman John Knox (author of the BARO proposal) introduced AB 2310 in 1970. That bill recommended the establishment of a Conservation and Development Agency of the Bay Area, which would have veto power over actions of local and regional agencies. The regional plan would have included BCDC's plan. The bill died in the Senate Governmental Organization Committee in August 1970.

Two modifications were included in Assemblyman Knox's 1971 legislative attempt to give the Bay Area a comprehensive planning agency. The bill (AB 1057) provided for MTC's merger into the new agency but excluded BCDC's plan as part of its responsibilities. This feature recognized the beginning of strong environmentalist opposition to including BCDC in a comprehensive agency. The argument made then was made at each successive attempt since. BCDC's supporters felt that the new commission was beginning to implement its plan--which within a short time had virtually ended the filling of the bay--and these groups did not want the plan to be turned over to a new agency with what they felt was an "unknown future." Knox successfully engineered AB 1057 to a favorable vote by the Assembly, but fell four votes short on the Senate floor.

ABAG's Executive Board next attempted to revise the State's Regional Planning District Law, reconstituting the agency as a regional planning district with powers to implement its regional plan. Knox introduced the bill as a courtesy to ABAG but did not push it.

AB 2040: The 1973-74 Legislation

The first version of Assemblyman Knox's AB 2040 provided for the consolidation of three regional agencies whose primary purpose was planning. The bill would have merged ABAG with two statutory single-function agencies—MTC and BASSA. The logic of such a move was this: In no other part of the State were transportation and land use planning at the regional level done by separate agencies. In the Sacramento, Los Angeles and San Diego areas, voluntary associations such as ABAG were designated by the State to perform transportation planning. All three also were responsible for regional land use planning. Since land use decisions and transportation planning are inextricably linked, it made no sense to have the two functions performed separately in the Bay Area. In addition, since BASSA's charge to prepare and implement a wastewater treatment facilities plan was in many ways a land use planning matter, BASSA too should be included, Knox contended.

Passage of the bill was accomplished in the Assembly--although by the bare majority necessary--in August 1973. The narrow margin meant some amendments would be necessary. The San Francisco Planning and Urban Renewal Association held its annual convention on the topic of Bay Area regionalism in November 1973. SPUR concluded that directly elected representatives had to be included on the board of the new agency, and that BCDC and the air pollution control district ought to be included. Governor Ronald Reagan--who prior to that point had not expressed much interest in the bill--asked also if it would be possible to include the other two agencies in the bill.

Knox added BCDC and BAAPCD to the proposed Bay Area Planning Agency in May 1974.

Two protective amendments affecting BCDC were included in June 1974. They included provisions that BCDC's plan would be part of the regional plan of the new agency, but could not be amended except by a two-thirds vote of the

agency (the same provision as the McAteer-Petris Act that made BCDC permanent). The new agency could also obtain legal services from the State Attorney General, as BCDC had done. The amendments failed to satisfy some environmental groups, however.

The Sierra Club asked that the bill be amended to have an agency board composed solely of directly elected representatives (instead of a board half appointed by local governments and half directly elected). Senator Milton Marks, chairman of the Senate Local Government Committee, announced on August 15, 1974 that he would vote against the bill because of a "fatal flaw." The flaw was, according to Marks, the provision that local governments would appoint half the governing board. Marks wanted, he said, a directly elected board. Without his affirmative vote, AB 2040 died in the committee.

Reconstituting the Legislation

ABAG's Regional Home Rule Goals Committee, the agency's legislative committee, met August 28, two weeks after AB 2040 was killed. At the time there were already initiatives being undertaken by air district directors and the BASSA board for new legislation. ABAG representatives invited board presidents and executive officers to a series of informal meetings, which produced a formal request to regional agency boards that the group be sanctioned to come up with a plan that could be presented to the legislature. The formal group—one board member and the executive officer from each of the Bay Area's seven major regional agencies—first met in December 1974. Three meetings that month were devoted to trying to reach an agreement that would affect Knox's bill, which he planned to introduce in January 1975.

In December the group unanimously agreed on a plan that would merge ABAG, MTC and BASSA. The agency would have the land use planning powers of the Bay Area Air Pollution Control District and the Regional Water Quality Control Board. The other agencies would remain separate, although there would be a study and report to the legislature in two years on the method of consolidating BCDC into the agency. ABAG's Executive Committee approved the proposal in January 1975, strengthening the section on BCDC by asking for its consolidation within two years.

The Next Round: AB 625

Assemblyman Knox introduced his bill as planned in January 1975. It conformed almost exactly to what ABAG's Executive Committee had sought, including the mandatory consolidation of BCDC two years after the reconstituted agency was formed. But in early March, Knox informed supporters of the bill that Speaker Leo McCarthy was pressing him to include a directly elected regional executive, which—when the plan was publicly announced—promptly was dubbed by the newspapers as a "super mayor."

AB 625 was approved by the Assembly on a 41-28 vote in the Assembly on April 24, 1975. ABAG and other groups, however, decided to oppose McCarthy's amendments. They could not support the bill so long as the so-called "super mayor" amendments remained in the bill. McCarthy and Knox were persuaded. In August the amendments were removed. Knox also put BCDC into the study category. That agency would not automatically be transferred to the new agency, but would require a later vote of the legislature.

In August and September some Senators sponsored amendments providing for a referendum on the formation of the new agency. The bill passed the Senate but the Assembly at Knox's request refused to adopt the Senate version.

The move sent the bill to a conference committee, where the bill's supporters were sure they could get the initial referendum removed. However, it also became clear that the votes were not available in the Senate for the Assembly version if it were reported by the conference committee. State Office of Planning and Research Director Preble Stolz suggested a compromise. The agency would be created, and would acquire a new power -the ability to order compliance with the regional plan -- if the voters approved the regional plan. The idea appealed to all the supporters of the bill, and was agreed to by the conference committee and the Assembly itself. But in September the Senate killed the bill on a 13-21 vote. The fact that the bill did not provide for a directly elected governing board influenced some Senators to vote against the measure, while others did not like what they called a "hokey" compromise on the question of agency powers.

The Demise of BASSA

The 1972 amendments to the Federal Water Pollution Control Act specified minimum levels of sewage treatment for all of the nation's wastewater plants. Congress also provided most of the funding (75 percent) for new or upgraded facilities. Twenty-four such projects have been completed in the Bay Area at a cost of more than \$60 million. Another 87 projects, with costs estimated at more than \$2 billion, are in various stages of planning or construction. By late 1975, the Federal law was fulfilling most of the implementation role originally envisioned for BASSA.

The State Water Resources Control Board in May 1975 designated ABAG as the areawide waste treatment management planning agency under Section 208 of the 1972 Federal law. In June 1975 the Environmental Protection Agency awarded ABAG a \$4.3 million grant to develop an integrated air and water quality and solid waste management plan for most of the territory of the nine counties. BASSA's general manager resigned shortly thereafter, and several county conferences of mayors and boards of supervisors suggested that BASSA contract with ABAG for staff services. One board of supervisors recommended the two agencies be merged.

Assemblyman John Knox, principal author of the original BASSA law, and Senator Alfred Alquist introduced a merger bill (AB 3041) in January 1976. When the merger bill apparently was stalled, Senator Milton Marks sought to repeal the law, thus abolishing BASSA. Knox and Alquist agreed reluctantly to amend their bill, adding Marks as a coauthor. Despite vigorous lobbying, the new bill was approved by the legislature and governor, and BASSA was abolished January 1, 1977.

In the six decades that areawide agencies have operated in environmental management, a number of critical organizational issues have been raised. Many of them were central to the debates on legislation proposing to merge existing regional planning agencies. They more than likely will be raised again in forthcoming discussions on organizing the continuing planning process for the environmental management program. These issues are described as follows:

1. What is a "regional" problem?

Most legislative proposals did not do a very good job of defining the difference between a "local" problem and a "regional" one. The goals and objectives of AB 625 were carefully drafted over a number of months by the Assembly Local Government Committee staff and a number of other groups. In the judgment of many it is the best description of regional problems that any legislative proposal has used. The text of that section is as follows:

66101.5. The Legislature hereby declares that the regional plan required by Article 7 (commencing with Section 66190) of this chapter shall have the following goals and objectives:

(1) With respect to air and water quality:

(a) To achieve and maintain the quality of air at a level which will not impair public health, safety or well-being;

- (b) To achieve and maintain the quality of water at those levels which are necessary for appropriate water-related recreational activities and which are necessary to protect the natural habitat of various water-related animal and vegetative species; to enhance other beneficial uses of water; and wherever feasible, to assure the reclamation of waste water:
- (c) To achieve the objectives of paragraphs (a) and (b) by specifying reasonable and necessary constraints for activities which, directly or indirectly, have an adverse affect on air and water quality, such as direct emissions and discharges, inappropriate land uses, and inappropriate transportation routes, modes and facilities;

(2) With respect to solid waste:

- (a) To achieve the use, reuse and recovery of resources found in solid waste in a coordinated, efficient manner;
- (b) To identify the most beneficial and most efficient means of disposing of the balance of the region's solid waste;

- (c) To identify the most appropriate sites for disposal of toxic and hazardous substances which cannot be used, reused or recovered, and to assure the adequacy of such sites as to volume and security for their use in perpetuity;
 - (3) With respect to transportation:

(a) To facilitate the movement of people and goods within the region;

(b) To identify and provide for persons who have special transportation needs due to age, income, physical condition or other factors;

(c) To promote and provide for the most efficient integration of public and private transportation facilities;

(d) To provide for an integrated system of public and private transportation that compliments and supports the goals and policies of the land use element of the regional plan;

(e) To minimize the amount of air pollution, water pollution, noise pollution and other environmental degradation caused by various transportation modes and facilities:

(f) To minimize the amount of land devoted to transportation uses;

(g) To minimize the consumption of energy resources related to transportation;

(h) To assure that transportation systems and facilities are designed for minimum disruption and dislocation of developed communities and neighborhoods;

(4) With respect to land use, to identify and provide for the following three regionally significant types of land uses:

(a) Lands and waters which are to be protected from inappropriate or detrimental uses such as limited, fragile or extraordinary bays, estuaries, swamps, marshes, shorelines and coastlines, streams, aquifer recharge areas, rivers, meadows, flood plains, woodlands, steep slopes, visually prominent and undeveloped ridges or hilltops, rare animal or vegetative habitats, and recreational areas;

(b) Areas which are to be reserved for the production of food or fiber; provided that the reservation of such areas has been made a matter of national, state or regional policy, and provided further that alternative areas are available for the various urban land uses required by the region;

(c) All remaining areas within the region which have not been identified pursuant to paragraph (a) or (b).

Such areas, because they do not need to be protected from inappropriate or detrimental uses as provided in paragraph (a) and do not need to be reserved for the production of food and fiber as provided in paragraph (b), may be appropriate for urbanization and for the variety of land uses associated with and required by urbanization. In order that the urbanization of such areas may be achieved in an orderly manner and to the maximum benefit of the region as a whole and the residents thereof, the lands within such areas shall be further identified as follows:

(i) Lands which are appropriate and necessary for

current urbanization and urban land uses;

(ii) Lands which will be appropriate and necessary for urbanization and urban land uses in the short-term future; and

(iii) Lands which will be appropriate and necessary for urbanization and urban land uses in the long-term future.

In identifying such lands, the plan shall further determine and provide for the amount, distribution and general location of lands which are especially suited for urban land uses of regional significance. Areas suitable for use for industrial purposes, for commercial purposes, for recreational and park purposes, for residential purposes and for open space purposes, including open space which guides and shapes developed areas may be of regional significance.

The following policies shall guide the agency in

designating such areas:

(i) Urban land uses should occur within existing urbanized areas or in areas identified by the agency as appropriate for urbanization,

(ii) Urban land uses should not occur in areas identified in paragraphs (a) and (b) of this subdivision,

(iii) Urban land uses should enhance the economic

vitality and fiscal integrity of local agencies,

(iv) Urban land uses should provide for maximum efficiency in capital expenditures for, and in operating expenditures connected with, such areawide services and utilities as potable water, natural gas, electricity, telephone, public transportation, highways and roadways, storm drainage, sewage collection and treatment,

(v) Urban land uses should comply with applicable policies and requirements established by the State Energy Resources Conservation and Development

Commission pursuant to the provisions of Division 15 (commencing with Section 25000) of the Public Resources Code,

(vi) Urban land uses should minimize reliance on the

automobile,

(vii) Urban land uses should minimize the length of home-to-work trips resulting from unbalanced distribution of types of jobs and types of homes,

(viii) Urban land uses should minimize potential damage from floods, earthquakes, landslides, forest fires

and other natural disasters.

(ix) Urban land uses should provide adequate and appropriate areas for facilities which are required to satisfy the regional needs of commerce, industry, education, health and welfare (such as electric generating and transmission facilities, petroleum refining and storage facilities, industrial facilities, port facilities, airport facilities, medical centers, major educational institutions, and shopping and commercial centers),

(x) Urban land uses should avoid destruction of scenic

attributes of the region,

(xi) Urban land uses should avoid destruction of specific sites which have significant regional importance for specific scientific, educational, historic, cultural or scenic purposes,

(xii) Urban land uses should minimize environmental

degradation,

(xiii) Urban land uses, insofar as possible, should separate urbanized areas and encourage

self-identification and integrity of communities;

(5) With respect to resources, to develop policies for the management, development and use of the natural resources of the region in a manner which minimizes their depletion and, wherever possible, creates conditions for restoring them to their greatest feasible naturally productive capacity.

2. What could be the boundaries of an environmental management agency or agencies?

As early as 1949, the nine counties with shoreline on San Francisco Bay were recognized as a unit for regional planning purposes. The State Senate by resolution provided "...that the nine counties be recognized by all California State governmental agencies as an integrated area with common economic, social, and often administrative interest; and further that all California State governmental agencies

supporting and publishing statistical and other data on an area basis support and publish totals for the nine county Bay Area...."

That early mandate does not have the force of law. State departments in the pursuit of their own separate activities have created approximately 120 sets of districts ranging in size from a single county to 30 counties. Most of these districting systems are drawn for internal administrative purposes and don't substantially affect regional planning or environmental management. Thirty-four states have designated sub-state regional planning areas, and 10 more are in the process of establishing such sub-state districting systems. Unlike those states, California has 14 sets of boundaries for major regional planning purposes, including air and water quality, transportation, the ocean coastline, criminal justice, manpower, and economic development and social concerns.

There is no uniform agreement on what is considered the "Bay Area." The nine counties are included in three air basins and four water basins. In both cases, county lines are not respected. The four Bay Area coastal counties are included in two separate regional coastal commissions. The Metropolitan Transportation Commission is responsible for transportation planning in all nine Bay Area counties, although the California Department of Transportation District 4 covers a different set of counties (Solano is excluded and Santa Cruz is included).

Another aspect of the boundary question is whether authority should be defined—as it is with BCDC and the coastal commissions—by geographical features as opposed to local government boundaries such as county lines.

In the political setting, the question of boundaries will be very important because certain northern counties have traditionally argued that they are sufficiently different from the more urbanized counties that they should be excluded from Bay Area planning and regulatory agencies. This concern was a factor in the defeat of several of Assemblyman Knox's regional planning agency bills.

3. How much involvement could voters have in any revision of the present system of planning and management?

The key question for some people is how much direct participation citizens should have in changing the present system. The public voted to create the coastal commissions and several smaller special districts, but have not directly participated in the creation of other nine-county agencies.

Many people have argued that any new agency should be established by the voters through referendum, while others have concluded that the responsibility of any restructuring should be the legislature's, since it created most existing regional agencies.

4. What could be the composition of the governing board?

This question is actually two questions: What could the size of the governing body be, and how much participation could local elected officials have on such a body?

Participation by local elected officials

Among local elected officials and many citizen groups, there has been substantial agreement during the past few years on this composition for any permanent regional planning agency board: half directly elected and half local government appointed. Despite a willingness on the part of many proponents of either direct election or 100 percent appointment by local government, the issue remains critical.

Some legislators continue to press for an agency board that is entirely directly elected. They insist that an agency board that includes any local officials will be unworkable for a variety of reasons.

Among the statutory agencies, BCDC and MTC have mixed governing bodies—some appointees of local agencies and some Federal and State appointees. The coastal commissions have similar mixed forms of representation. Special districts (with the exception of the Golden Gate Bridge, Highway and Transportation District) are directly elected. The bridge district board is appointed by local governments.

Size of the governing board

Several legislators indicated one reason they voted against AB 625 (and similar bills) was that the proposed governing body of 50 members was too large and therefore would have been staff dominated. The board of any agency must be large enough to include representatives of local governments and other diverse interests in a region of almost five million people covering 7,000 square miles. Too small a body would not allow adequate representation of minority interests, and too large a body would be unwieldy. The exact number of governing body members for a nine-county agency appears not to be a critical factor.

5. How permanent could an agency be?

Most existing agencies were established on a permanent basis. Only in the case of BCDC and the coastal commissions were agencies established for an interim period. If new are combined agencies are proposed as a result of the environmental management plan, the question of permanence should be addressed.

6. How could an agency be funded?

Regulatory agencies of the State are funded through the State's

budget process--with most of the revenues from the State income tax. MTC is financed primarily through State subventions from gasoline sales tax revenues and through Federal grants. ABAG is financed through funds contributed by member cities and counties, and through Federal and State grants. The property transfer tax was proposed to finance a comprehensive Bay Area planning agency since most of that proposed agency's work would have been directly related to land uses and urban development issues. Permit fees and user charges could be used to finance environmental management planning.

7. What functions could be performed by an agency or agencies?

Most functions performed by existing agencies fall into three categories: planning, service delivery and regulation. As discussed previously, service delivery agencies preceded regulatory agencies, and planning agencies followed those. Only recently—with the creation of BCDC and the coastal commissions—have planning and regulatory functions been combined to a high degree. The planning functions of the Regional Water Quality Control Board and the BAAPCD have been less directly linked to the permit activity than with BCDC and the coastal commissions. One reason for this is that the air and water quality planning tends to be linked to the permit process through standards rather than designated land uses (as is the case with BCDC and the coastal commissions).

There seem to be two options: (1) taking the planning functions performed by existing agencies and combining all of them into a single planning agency, or (2) combining the environmental management planning responsibilities into a single agency.

8. What could be the implementation powers of an environmental management agency?

Permits are the standard implementation device for existing agencies. Permits are used to implement the basin plan of the Regional Water Quality Control Board, and permits are issued by the BAAPCD, BCDC and the coastal commissions. MTC's implementation authority is primarily through allocation of grant funds to local agencies and large transit districts.

In the legislative debates on AB 2040 and AB 625--bills combining existing agencies--the only new implementation device was the cease-and-desist authority that would have been given to the Bay Area Planning Agency under specified conditions. Most of the powers that would have been exercised by a combined agency already exist, except that ABAG lacks effective means of ensuring that local governments, other agencies and private industry will follow the objectives of the regional plan. Some legislators are of the opinion that unless cease-and-desist powers are included, a combined agency would lack effective

tools to implement its policies. Others say that if local plans are required to be consistent with the regional plan, no specific cease-and-desist powers are necessary. The AB 625 compromise provided that if the Bay Area voters approved the regional plan, the Bay Area Planning Agency would have acquired cease-and-desist powers.

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